

## REMARKS

Claims 1, 30, 31 and 38 have been amended by specifying that the C15-C19 carbon chain has "single bonds between carbons except" as specified in the claims. Support for this amendment is found in the working examples, all of which relate to compounds in which the C15-C19 carbon chain has single bonds between carbons except at locations specified in the independent claims (i.e., carbons 9 and 10 or 12 and 13). No new matter has been added.

### Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 4-6, 9-12, 15, 16, 18-21, 23, 25, 31, 34-36, 39-42, 45, 46, 48-51, 53, 55, 60 and 62 as anticipated by Zobel (U.S. Patent No. 6,544,929). According to the Examiner, Zobel discloses agricultural compositions containing glycerol esters, e.g., glycerol ricinolate, and a surfactant as well various herbicidal agents.

Glycerol has the formula  $\text{CH}_2(\text{O})\text{CH}(\text{OH})\text{CH}_2(\text{OH})$ . Thus glycerol ricinolate would have three ricinolate chains and would not fall within the formula of the fatty acid ester of the present claims.

In view of the forgoing, Applicants respectfully request that the rejections under 35 U.S.C. § 102(b) be withdrawn.

### Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1, 4-12, 15, 16, 18-23, 25-31, 34-42, 45, 46, 48-53 and 55-66 as allegedly obvious in view of JP 59-27802 taken with Farm Chemicals Handbook 1998.

According to the Examiner, JP 59-27802 teaches agrochemical compositions containing fatty acid esters that fall within the formula of the claims. The Examiner argues that it would have been obvious to modify the compositions of JP 59-27802 by adding a surfactant "who would have been motivated to formulate the fatty esters with a common and convenient agricultural carrier such as water with sufficient surface active agents to ensure adequate admixture and uniform application."

Applicants disagree with the Examiner's analysis. JP 59-27802 teaches an agrochemical composition that does not appear to include a surfactant. Since JP 59-27802 suggests that no surfactant is required in order to produce an agrochemical composition suitable for application to plants, one would not be motivated to add a surfactant. The secondary reference does not provide any teaching that a surfactant should be added to a fatty acid ester containing composition. Thus, the cited references cannot render the present claims obvious. In view of the forgoing, Applicants respectfully request that this rejection under 35 U.S.C. §103 be withdrawn.

The Examiner rejected claims 1, 4-12, 15, 18-20, 31, 34-42, 45, 48-50 and 60-66 as obvious in view of JP62-99348.

Claims 1, 30, 31 and 38 have been amended by specifying that the C15-C19 carbon chain has "single bonds between carbons except" as specified (i.e., between the 9<sup>th</sup> and 10<sup>th</sup> carbons or between the 12<sup>th</sup> and 13<sup>th</sup> carbons, counting from the carbonyl carbon). The compound of JP62-99348 indicated by the Examiner has a double bond between the 15<sup>th</sup> and 16<sup>th</sup> carbons (counting from the carbonyl carbon). Thus, this compound is not within the formula of the fatty acid esters of the present claims. In view of this, Applicants respectfully request that the Examiner withdraw this rejection under 35 U.S.C. §103.

The Examiner rejected claims 1, 4-6, 9-12, 15, 17-20, 31, 34-36, 39-42, 45, 37-50 as obvious in view of Tsuboi et al.

Claims 1, 30, 31 and 38 have been amended by specifying that the C15-C19 carbon chain has "single bonds between carbons except" as specified (i.e., between the 9<sup>th</sup> and 10<sup>th</sup> carbons or between the 12<sup>th</sup> and 13<sup>th</sup> carbons, counting from the carbonyl carbon). The t-butyl ester of (9Z, 11E)-13-hydroxy-9,11-octadecadien-15-ynoate has a triple bond between the 15<sup>th</sup> and 16<sup>th</sup> carbons (counting from the carbonyl carbon). Thus, this compound is not within the formula of the fatty acid esters of the present claims. In view of this, Applicants respectfully request that the Examiner withdraw this rejection under 35 U.S.C. §103.

Double-patenting rejections

The Examiner rejected claims 1, 4-12, 15-31, 33-42, and 45-74 on the grounds of non-statutory obviousness-type double patenting in view claims 1-47 of U.S. 6,887,900. In addition, the Examiner rejected claims 1, 4-12, 15-31, 33-42, and 45-74 on the grounds of non-statutory obviousness-type double patenting in view claims 1-21,24-55, 61-65 of U.S. Patent 6,903,052 in view of Farm Chemicals Handbook 1998.

Applicants will file an appropriate terminal disclaimer upon notification that there are allowable claims in this matter.

A Petition for Extension of Time with the appropriate fee is being filed concurrently herewith via EFS. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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